

REMARKS

As the Examiner will note, claims 1 and 15 have been amended to include the subject matter of claims 3-5 of the present application and to specifically recite that the charge control agent contains a positive charge control agent or a negative charge control agent and a positive control agent. Correspondingly, claims 3-5 of the present application have been cancelled.

Claims 1-3, 5, 8 and 11-15 have been rejected by the Examiner under 35 USC 103(a) as being obvious over U.S. Patent No. 6,541,540 to Hashizume. Claims 1-5, 8, 11, 13 and 15 have been rejected by the Examiner under 35 USC 103(a) as being obvious over U.S. Patent No. 6,203,908 to Chassot. Claim 9 is rejected by the Examiner under 35 USC 103(a) as being unpatentable over Hashizume or Chassot, in view of U.S. Patent No. 5,270,445 to Hou. Claim 10 has been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Hashizume or Chassot, in view of British Patent 2,111,522A to Banba. These rejections are respectfully traversed.

The present invention is directed to a powder metallic coating material comprising a flake pigment and a resin powder which exhibits a high coating brightness, and an excellent substrate hiding property, an effective introduction ratio and a substantial elimination of coating spit formation of the metallic coating material. According to the present invention, the above advantageous results can be achieved by establishing the relationship between the charged value of the flake pigment and the charged value of the resin powder which is defined by the following relationships:

$$|C_R - C_A| \leq 10 \quad \dots (1)$$

$$10 \leq |C_A| \leq 40 \quad \dots (2)$$

where C_A denotes the charge value ($\mu\text{C/g}$) of said flake pigment and C_R denotes the charge value ($\mu\text{C/g}$) of said resin powder.

As can readily be seen by referring to Table 2 of the present application, when $C_R - C_A$ ($\mu\text{C/g}$) is equal to or less than 10 as shown in Examples 1 to 5 of the present application, a very effective introduction ratio (%), a high coating brightness (β/α) a substantial elimination of coating spit formation and an excellent substrate hiding property can be achieved. This is to be compared with Comparative Examples 1 and 2 as shown in Table 2 of the present application, where it can be readily seen that when $C_R - C_A$ is greater than 10, that is 15.8 and 15.4, respectively, all of the parameters referred to hereinabove, that is, the introduction ratio, the coating brightness, the spit formation and the substrate hiding property were substantially inferior to the present invention. Thus, claim 1 of the present application defines a specific relationship with respect to the charge control agent coated on the surface of the base particle and the charge value of the resin powder which is effective in achieving the Applicant's inventive contribution.

In other words, the characteristic of the present invention lies in finding that the aforementioned excellent effect is achieved only when a powder metallic coating material satisfies the specific charge value relationship defined by expressions (1) and (2) in claim 1 of the present application.

Specifically, none of the references relied upon by the Examiner disclose or suggest the specific charge value relationship defined by expressions (1) and (2) recited in claims 1 and 15 of the present application. The powder metallic coating relationship of the present invention satisfies the specific charge value relationship defined by expressions (1) and (2), thereby achieving the excellent effect as can be found by referring to page 8, line 8 to page 9, line 6 of the present application. In other words, the characteristics of the present invention lie in finding that the aforementioned excellent effect is achieved only when a powder metallic coating material satisfies the specific charge value relationship defined by expressions (1) and (2) as recited in claims 1 and 15 of the present application. Accordingly, one skilled in the art cannot readily arrive at the excellent results achieved by the present invention, based upon the references which do not teach or suggest the importance of the charge value relationship or the

specificity of the charge value relationship as defined by expressions (1) and (2) and accordingly there cannot be any motivation for rejecting the claims of the present application based upon these deficiencies.

As previously noted by the Examiner, the Hashizume reference is silent with respect to the charge value relationship between the pigment and the resin as set forth in claims 1 and 15 of the present application. Similarly, the Examiner also recognizes that the Chassot reference is silent with respect to the charge value relationship between the coated pigment and the resin as set forth in claims 1 and 15 of the present application. To require the Applicant to provide factual evidence to show that the relationship between the flake pigment and the resin powder is not inherent in the teachings of the Hashizume and Chassot references is to place an undue burden on the Applicant, particularly when the prior art does not even remotely recognize the importance of the specific charge value relationship as defined by expressions (1) and (2) recited in claims 1 and 15 of the present application. Having demonstrated in the specification of the present application the importance of the specific relationship defined by the expressions (1) and (2) recited in claims 1 and 15 of the present application, it is believed that by so doing the Applicant has defined an inventive contribution which is not present in any of the prior art relied upon by the Examiner, either alone or in combination.

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims of the present application are respectfully requested.

In the event that the proposed Amendment does not place the present application into condition for allowance, entry thereof is respectfully requested as placing the present application into better condition for appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

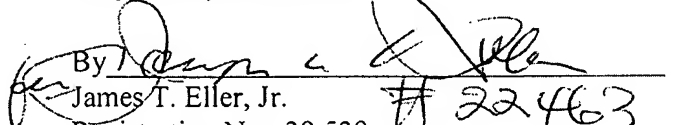
Application No. 10/568,530
Amendment dated March 11, 2009
After Final Office Action of December 11, 2008

Docket No.: 0033-1063PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 11, 2009

Respectfully submitted,

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